

House Bill 23

By: Representatives Keown of the 173rd, Benton of the 31st, Jamieson of the 28th, Maxwell of the 17th, Maddox of the 172nd, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to enact the "Fair Campaign Practices Act"; to provide a short title; to provide a statement of legislative intent; to provide a Code of Fair Campaign Practices; to provide that every candidate for public office shall receive a blank form of such code; to provide for the printing of such forms; to provide for the filing of such forms; to provide that subscription of such code shall be voluntary; to provide for indications of filing on political advertising; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, is amended by inserting at the end thereof the following:

"ARTICLE 5

21-5-90.

This article shall be known and may be cited as the 'Fair Campaign Practices Act.'

21-5-91.

(a) The purpose of this article is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

(b) It is the intent of the legislature that every candidate that subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play to encourage healthy competition and open discussion of issues and candidate qualifications and to discourage practices that cloud the issues or unfairly attack opponents.

21-5-92.

(a) When a candidate for public office in this state files a notice of candidacy or is nominated for public office, the Secretary of State is directed to ensure that the candidate receives a blank form of the Code of Fair Campaign Practices as set out in Code Section 21-5-93 and a copy of this article.

(b) The Secretary of State shall ensure that each candidate is informed that the candidate may subscribe to and file the code with the Secretary of State and that subscription to the code is voluntary.

21-5-93.

The text of the Code of Fair Campaign Practices shall read as follows:

'Code of Fair Campaign Practices

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Georgia has a moral obligation to observe and uphold in order that after vigorously contested, but fairly conducted, campaigns our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I shall conduct my campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.

(2) I shall not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I shall not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.

(4) I shall not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor shall I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.

(5) I shall not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.

(6) I shall defend and uphold the right of every qualified voter to full and equal participation in the electoral process and shall not engage in any activity aimed at intimidating voters or discouraging them from voting.

(7) I shall immediately and publicly repudiate others' methods and tactics that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Georgia, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

_____,
(Date) (Signature)

21-5-94.

The Secretary of State shall print, or cause to be printed, blank forms of the Code of Fair Campaign Practices. The Secretary of State shall supply the forms as necessary.

21-5-95.

(a) The Secretary of State shall accept all completed forms submitted pursuant to this article which are properly subscribed to by a candidate for public office.

(b) Each copy of the code pursuant to this article shall be preserved by the Secretary of State for a period prescribed by the Secretary of State.

21-5-96.

The subscription to the Code of Fair Campaign Practices by a candidate shall be voluntary.

21-5-97.

A candidate that has filed a copy of the Code of Fair Campaign Practices may so indicate on political advertising in a form to be determined by the Secretary of State.

21-5-98.

This article does not create a civil cause of action for recovery of damages or for enforcement of this article."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.